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Human Rights 7/78  
File *P*  
**DE 018**

## INTRODUCTION

The report that follows is an attempt to outline in a brief and objective manner the principal violations of fundamental human rights committed by the military regime of Argentina between November 1980 and February 1982.

This paper is a continuation of the document published in November 1980 by the Center for Legal and Social Studies (CELS), which covers events of the same type produced in the period from October 1979 to October 1980. The first of these dates corresponds to the conclusion of the period analyzed by the Inter-American Commission for Human Rights (IACHR) of the Organization of American States (OAS) in its Report on the Situation of Human Rights in Argentina. (Washington, D.C., April 11, 1980, document OEA/Ser. L/V/II.49 - doc. 19).

To a certain extent, these two publications of CELS update the analysis accomplished by the IACHR and offer an up-to-date overview of the Argentine problem.

The sequence of the material follows, in general, the order established by the Inter-American Commission in its Report, which in turn is based on the Inter-American Declaration of the Rights and Duties of Man.

In preparing this report, we used the archives of the program of Documentation, Investigation and Publications

of CELS, which includes newspapers clippings, brochures, magazines, books, declarations, and first-hand testimonies. Prominent among this material is the Noticiero, published monthly by the Permanent Assembly for Human Rights; and the List of Detained-Disappeared Persons Registered in the Permanent Assembly for Human Rights, printed in 1981 by that institution. Also included are accounts provided by the other movements and organizations devoted to the defense of human rights in the country and accounts derived from meetings of relatives of victims of repression.

#### THE SITUATION

The Republic of Argentina continues to be governed by a de facto military regime. Its only authority derives from the act of force by the armed forces on March 24, 1976. On this occasion the commanders of the three forces constituted a military Junta, sanctioned a so-called Statute of the Process of National Reorganization which explicitly amends fundamental clauses of the national Constitution and takes precedence over it. The military Junta has taken over the entirety of the State's powers, without limitations of any kind, even though it delegates administration to a President of the Nation, who exercises legislative and executive powers. However, the President does not have jurisdiction over the armed forces; they respond to their

respective Commanders-in-Chief. Moreover, to a certain extent, the President does not have jurisdiction over the security forces, as they are subordinates of the Army.

In addition to this Statute -- characteristic of absolute military dictatorships -- a very substantial body of emergency laws has been promulgated. This is outlined in the previous reports. In addition, a state of siege, as provided for in Article 23 of the national Constitution for cases of "internal commotion or external attack," is in effect and has been prolonged indefinitely, without justification.

The consequence is that the people of Argentina have been deprived of any form of participation or influence in managing their destiny and are subject to the dictates of the de facto government. Political and trade union activity is legally suspended; the unions and political factions function openly, although always subject to irrationally imposed penalty or harassment.

The judiciary is seriously hampered in exercising its functions, not only because its members lack tenure and must swear to uphold the so-called Statute of the Process, but also because it is denied any cooperation from other public authorities or from the security forces in investigating the cases that involve the repressive system. In addition, the political identification of many magistrates

with the ideology of the military regime, and the weakness or fearfulness of others, severely limits judicial independence and the capacity of the judiciary to guarantee constitutional rights.

Two aspects of the situation in Argentina, however, further darken the situation. The first is the permanence of a secret code promulgated by the commanders of the armed forces in the second half of 1975 and fully enforced since the military coup of March 24, 1976.

This code, the content of which can be inferred from the events since then and from many statements by high officers of the three armed forces, established the character of the repression to be carried out. The nature of the operations arising from this secret code is confirmed by the testimony of people who were imprisoned for long or short periods in secret detention centers where they were interrogated and tortured and, for various reasons, subsequently transferred to public prisons or released.

According to what is known, the key provision in this doctrine of war against subversion provides for the arrest of suspects and political opponents by armed groups without identification -- although official vehicles and uniformed support personnel have frequently been used for this purpose -- and the subsequent disappearance sine die of the detainees.

It is presumed that the vast majority of detained-disappeared persons have been secretly killed, their bodies cremated or buried in common graves, or thrown from planes into the sea or into the Río de la Plata. This system of repression also includes the systematic use of torture; the distribution as war booty of the property of the disappeared; the absolute impunity of those responsible for disappearances; and governmental silence.

The operative structure organized for these ends remains intact and the secret legislation which authorizes those acts has not been abolished. This is the most serious aspect of the Argentine human rights situation. Its continuing significance is illustrated at the time of this writing by the detention, disappearance, and discovery of the body of Ana María Martínez, a socialist activist.

The second matter that characterizes the present Argentine picture is the refusal of the armed forces to furnish information about the thousands of detained-disappeared persons -- and the open effort of the armed forces to prohibit any investigation, even by the judiciary. The armed forces demand that the political parties go along with this as a prerequisite for the restoration of the constitutional system.

It is necessary to also note the continuing confinement of approximately 600 prisoners held without trial

at the disposition of the national Executive Power, most of whom have already been held for five or more years; the constant insecurity and censorship caused by the periodic repetition of violent assaults that are never explained; the restriction of political, trade union and cultural liberties, and of freedom of expression; the lack of independence of the judiciary; and the political and economic insecurity that has brought recession, inflation, bankruptcy of the productive structure, and large-scale unemployment.

It is important to note, however, as a positive development, the evident but gradual reaction of the Argentine society against this state of affairs, facilitated in part by the exhaustion and collapse of the military regime. This reaction is marked by greater popular awareness of crimes of repression and by frequent public demonstrations -- previously limited to the mothers of the disappeared in the Plaza de Mayo. There is greater press coverage of violations of human rights, and a critical spirit has developed in editorials, commentaries, speeches, statements, and in the growing activity of organizations dedicated to the defense of constitutional liberties and human dignity.

It would seem difficult, given the advanced and accelerated deterioration of the military regime and the

renewed activity in civilian life, that this situation might again regress. It is evident that the leadership of the armed forces is attempting a negotiated exit, while retaining significant power, and seeking a guarantee that there will be no review of the repressive system. Time will tell whether these objectives will be achieved or whether a new period of Argentine history will begin with full restoration of the sovereignty of the people and of constitutional rights. In any event, the possibility of a new wave of repression should not be ignored, perhaps with different methods from those with which we are familiar.

Finally, we note the continuing confinement of those condemned by military tribunals to serve long sentences, based either on confessions obtained through torture, or simply through arbitrary trials without any right to a defense.

1. Disappearances and Deaths

Gerardo María Brugo Marcó. In November 1981 CELS learned that, on the previous March 23, Brugo had been arrested in Buenos Aires. From the time of his arrest, nothing has been heard of him. The father of the victim had reported the disappearance to the Permanent Assembly for Human Rights and on August 18, 1981, had filed a petition of habeas corpus with the courts, with negative results. Gerardo Brugo had been politically involved

in the Peronist movement in the province of Santa Cruz during the last constitutional government and, since 1976, had worked as a taxi-driver in Buenos Aires.

In spite of the publication on January 6, 1982, of a statement by several organizations for the defense of human rights, the military regime has maintained absolute silence on this incident.

Héctor Orlando Piñón and Jorge Magrino. During the second week of January 1981, the workers Piñón and Magrino were arrested at their homes, located respectively in Haedo and Hurlingham in the province of Buenos Aires, on the outskirts of the federal capital.

For many days there was no information about them. The authorities responded to the petition of habeas corpus presented to the court by asserting that the two men had not been detained. Several institutions for the defense of human rights condemned the episode, and the two men were freed three days later on a public thoroughfare after having been interrogated and tortured. Both were union officials in the factories where they worked.

Oscar Alberto Guida and Estela María de la Canal de Guida. On March 27, 1981, they were arrested by uniformed men on the street in La Plata. Because of the lack of news about them, a public complaint was formulated and, on the 29th of March, the police of the province of Buenos Aires



acknowledged that the couple had been arrested at the order of the federal judge of La Plata for a violation of Law 21.323, which prohibits the publication of political views.

Angel Romano. He was arrested on March 27, 1981, at his home in the suburban city of Quilmes by three heavily armed plainclothesmen. The habeas corpus petition presented to the court was unsuccessful. However, after a public statement by several organizations for the protection of human rights was reported by the newspapers on April 2, 1981, results were obtained. On April 3, the chief of police of Buenos Aires, General Oscar Guerrero, acknowledged that Angel Romano was arrested for illicit association, multiple robberies and failure to disclose crimes.

The judge ordered the definite dismissal of charges against Romano and his release for insufficient evidence. Upon being freed, Romano disclosed that his interrogation, which was accompanied by severe torture, was of a political nature. He reported that this treatment ended on the date that the statement by the human rights organizations was published. It is evident that the accusation of robbery was a pretext to justify the arrest. At any rate, there was an obvious violation of basic rights, depriving Romano of his liberty without informing his family, and suppression

of information on the matter until the magistrate responded to the habeas corpus petition. Romano was also an active union member.

Horacio Alberto Castro. Castro was arrested in his home at Calle Federico Cantoni 1773 of the El Retiro neighborhood in the city and province of San Juan, on April 22, 1981, at about 5:00 p.m. In charge of the procedure, which took several hours, was an armed group that claimed to belong to the federal police. The arrest was carried out in the presence of the victim's mother and sister.

The authorities denied that the arrest had taken place and announced that they would investigate. The same response was given to the petition of habeas corpus.

On April 26, the police made it known that Castro's body had been found in the vicinity of En Encón in the neighboring province of San Luis, in a solitary place near national route 147 and at a distance of 160 kilometers from San Juan. Castro had been killed by 36 gunshots. His body showed signs of torture and of having been handcuffed.

The alleged investigation of this matter has apparently been forgotten by the authorities; no results have been reported. The mother of the murdered victim held a press conference on May 21, 1981, in CELS headquarters. It was well covered by newspapers from the entire country.

Horacio Castro, 35 years old, was affiliated with the Socialist Workers Party and had participated some months before in a peaceful strike by the Union of Automotive and Tramway Workers in the city of San Juan.

Miguel Sarangelo. Miguel Sarangelo, an artist, was arrested at 9:00 p.m. by an armed group in his home at Estados Unidos 1614, in the federal capital. Near midnight, another group similarly dressed in civilian clothes broke into Sarangelo's home and searched it thoroughly, knocking pictures and sculptures to the floor. Faced with a lack of news, his family filed an habeas corpus petition and made public statements that appeared in the newspapers on July 24. On or about July 28, the federal police made it known that Sarangelo had been detained in police precinct number 40 for an infraction of Law 20.771 dealing with possession and trafficking of drugs.

This is another arrest that, although it appears to involve a legally punishable offense, was not disclosed for a period of 11 days. Accordingly, it is a case of disappearance and a violation of the fundamental rule of the Code of Criminal Procedures.

Isabel Beatriz Angel. On July 30, 1981, the Permanent Assembly for Human Rights announced the disappearance in Córdoba of Ms. Angel, a member of a leftist political

party. This was based on information provided by her family. A few days later, Third Army Corps headquarters in Córdoba responded that Isabel Angel had been at the house of a friend without giving notice to her parents. Actually, according to the information subsequently obtained by the Permanent Assembly, Ms. Angel had suffered a sudden illness and had been admitted to a hospital, without disclosing her identity to the authorities and without communicating her whereabouts to her family.

The alarm raised by her temporary disappearance, and the fact that an habeas corpus action was filed, reflect a persisting climate of insecurity in the country, whereby relatives presume the involvement of security forces which may end in the disappearance of the victim, as in so many thousands of earlier cases.

Bruno Daniel Vetere. On August 3, 1981, the Permanent Assembly for Human Rights announced the arrest and disappearance of Bruno Daniel Vetere, imprisoned by a squad of the federal police in San Miguel, a suburb of Buenos Aires on July 29, 1981, around 5:00 p.m. This incident took place in the presence of the victim's father, who was in the waiting room of a doctor's office. Heavily armed plainclothesmen burst in and forced Mr. Vetere to take them to Daniel, who was waiting for his father in the

family car. When they saw him, they ran toward him threatening him with a high-caliber machine gun, and arrested him.

On the same day, the Vetere home in the suburb of José C. Paz was broken into by an armed group that searched Bruno Daniel's room, taking documents and personal belongings. Both procedures were carried out with great violence and display of weapons, in spite of the total lack of resistance by the victim and his relatives.

After this incident was reported in the newspapers on August 4, the federal police and the Third Army Corps disclosed the following day that Vetere had been arrested and prosecuted for an alleged homicide on July 26, in the city of Córdoba, where he resided.

Once again, for five days no one informed the family about the place of detention of one of its members, a situation that surely would have been prolonged if it had not been given public attention, and had not the human rights institutions intervened with an habeas corpus petition.

Fernando Olguín Figueroa. The national press reported on May 24, 1981, that the remains of Corporal Olguín of the Argentine air force had been buried in the cemetery of the city of Mendoza. The circumstances of his death were not revealed. The family received the body with orders not to open the coffin and to bury the

body immediately. The air force did not disclose the cause of death, thereby raising obvious questions.

Corporal Olguín Figueroa had deserted a few weeks previously together with a companion, Omar Juárez Gómez, both non-commissioned officers of the Air Force. The two had taken refuge in Chilean territory. They were returned by Chilean authorities to Argentine officials.

Nothing is known of the original charges against Olguín Figueroa and his companion Juárez Gómez nor of the punishment that Juárez Gómez may have received.

Eloy Fidel Santander. During the first days of November 1981, the family of the soldier Eloy Santander, a draftee based in Mendoza, received his sealed coffin, with instructions to bury him without opening it. The day before, the father of the victim had gone to the General Espejo military school, where his son was performing his military service, and discovered there that his son had died. He was told that his son had committed suicide.

Mr. Santander opened the coffin and, contrary to the version he had been given that the youth had slit his wrists and then shot himself in the head, he found that the bullet hole was situated in the neck.

On November 4, Colonel Nemesio Schrch, director of the military school, published an account with a different version. It stated that Eloy killed himself by pressing a rifle against his jawbone on the right side and shooting.

We are faced with another case of a mysterious death in a military unit.

Antonio Rubén Albornoz. The newspapers of September 25, 1981, related an episode, confirmed later by military authorities, which clearly shows a violation of fundamental human rights of citizens performing their legal duty to serve in the military.

In the air force barracks in the city of Córdoba, after a theft of cigarettes, draftees were interrogated to discover who was responsible. Since the draftees refused to accuse anyone, police officials and three junior officers ordered a punishment of prolonged violent exercise. Two draftees, Leonardo Abregu and Antonio Rubén Albornoz, collapsed from exhaustion. Both suffered acute cardiac arrest, of which Albornoz died.

This event was kept quiet until it was reported in the press, which elicited an official communiqué indicating that the responsible officials were being indicted. However, the names of those involved have not been made public and there is no news, so far, of the results of the investigation nor of any penalties having been imposed.

Julio Bárbaro and Juan Carlos Gallego. On September 2, 1981, around 5:30 p.m., a group of armed men who identified themselves as belonging to the federal police, arrested two

leaders of the Partido Justicialista at Calle Libertad 434, in the capital. This took place with great display of men, arms and cars, creating considerable alarm. Human rights organizations and political parties issued strongly-worded statements about the incident. The authorities denied their participation and reaffirmed this denial before the judge at the habeas corpus hearing. One of the participants in the breaking and entry had said at the time that he was acting on orders from Colonel Arias Duval, head of the Security Division of the Federal Police.

The event gained national and international notoriety, giving rise to a number of protests. Finally, after 55 hours, Bárbaro and Gallego were released on a street. In a press conference called by the Permanent Assembly of Human Rights, they explained that they had been interrogated, while blindfolded, about their political activities and those of the party to which they belong. They were also questioned about many issues of national interest.

The victims were transported by automobile for several hours. They not know where they had been held during the kidnapping.

In spite of emphatic official statements about finding and punishing the individuals responsible for this serious episode -- who were apparently connected with an intelligence agency -- no information has yet been disclosed.



Ana María Martínez. The victim was arrested on February 4, 1982, at 8:30 p.m. in her home in the Villa de Mayo neighborhood in the district of General Sarmiento, province of Buenos Aires, in the presence of several neighbors. A man and a woman, both armed, ordered her to get into a Ford Falcon automobile and drove away with her.

The news produced a rapid mobilization of human rights organizations and political parties. As usual, the authorities denied their participation. The police of the province of Buenos Aires furnished false information to lawyers acting for Ana María, and the Undersecretary of the Ministry of the Interior, Col. Bernardo Menéndez, stated on February 14th that he had no information to provide. The habeas corpus petition was rejected. However, on February 17th, Col. Menéndez's own office made it known that Ana María's body had been found on the 11th or 12th of February. Thursday, February 18th, at a press conference in the headquarters of the Permanent Assembly for Human Rights, several political leaders demanded an investigation of the murder, and the punishment of those responsible, who are presumed to be part of the security forces, judging from the available evidence.

In order to avoid the repetition of these events, and to demand an effective enforcement of the law, a committee of lawyers was formed to investigate the kidnapping and

murder of this young socialist activist. CELS staff attorneys are members of this committee, which has met with and provided evidence to the judge in charge of the case, Judge Carlos Rodríguez Varela, of Criminal Court No. 1 in San Martín.

The authorities persist in denying that they had any part in the matter, insinuating that the responsibility lies with extreme leftist groups and maintaining that they will investigate.

The national media gave broad coverage to the matter, and continues to publish information and opinions about it, thereby pressuring the authorities to conduct their investigation. So far, however, no results of it have been made known.

To summarize, we find: one unexplained disappearance, that of Brugo Marcó; two arrests and disappearances resulting in murder, those of Horacio Alberto Castro and Ana María Martínez; four cases of unexplained kidnapping and release, Piñón, Magrino, Bárbaro and Gallego; a corporal of the air force, Olguín Figueroa, and a draftee of the same force, Albornoz, dead from excessively harsh punishment, and the health of another air force draftee seriously affected; five missing persons, Guida and his wife, Romano, Sarangelo and Vetere, who turned out to be under arrest and prosecution; and one false alarm, Isabel Angel, caused by the existing climate of insecurity. In

all therefore, including the Abregu case, there were 17 deaths in official custody and disappearances.

2. Threats to Freedom of Expression and Religious Worship; and Antisemitism

Jehovah's Witnesses. In a decision published in the newspapers on May 14, 1981, the federal Supreme Court of Justice dismissed the case of two Jehovah's Witnesses who had asked for an exemption from military service as "conscientious objectors." The lower courts had decided that such exemptions are not permissible.

Panel E of the federal Court of Appeals in Civil Matters, in Buenos Aires, denied a woman the custody of her two young daughters, 11 and 12 years old. The woman, according to the court decision, had attempted to educate her daughters in accordance with the beliefs of the Jehovah's Witnesses. This woman is divorced; her former husband is an Army officer. Under an earlier divorce settlement, the father has custody of their two sons and the woman had custody of the two daughters. By this decision, however, her custody of her two daughters has been revoked.

Antisemitism. A television program broadcast on October 27, 1980, by the commentator Enrique Llamas de Madariaga, brother of a general who was then Secretary of Public Information, provoked widespread protest and

deeply offended the Jewish community. Even though the broadcast was on a state-owned television station, there was no official reaction.

The Jewish newspaper Di Presse made it known on September 18, 1981, that in the vicinity of Villa Allende, in the province of Córdoba, a group called "Juventudes Hitleristas Argentinas" (Argentine Youths for Hitler) holds meetings with impunity.

On February 27, 1982, newspapers reported the desecration of tombs in the Jewish section of the cemetery in Mar del Plata, as well as the painting of swastikas on its walls. Public opinion and local authorities condemned the incident, but no investigation was announced.

#### Violations of Freedom of the Press and Expression.

On numerous occasions -- January 2, February 7, February 25, June 30, September 23, December 11, 1981 -- the authorities have prohibited publication of newspapers and books, preventing their entrance into the country or their circulation within the country. It would consume far too much space to enumerate these titles here, but it should be noted that they include significant works in the fields of scientific thought and world literature. Details can be found in the archives of CELS.

On June 22, 1981, the journalist Manfred Schonfeld, well-known columnist for La Prensa, which has published

critical reports on government policy, was attacked in front of his home. Mr. Schonfeld received serious injuries to the face from brass knuckles. This act of violence, which attracted a lot of attention, has not been resolved.

Another columnist from the same newspaper, Mr. Jesús Iglesias Rouco, was prosecuted on July 3, 1981, on orders of the Executive branch, for publishing a supposedly confidential document of the Ministry of Foreign Affairs about the Beagle Channel problem. The judge dismissed the charges in February of 1982.

Two important printing companies were intentionally burned down in the night, obvious acts of intimidation. The two companies were the COGTAL Cooperative, located at Calle Rivadavia 763, in the middle of downtown Buenos Aires, and Editorial Palermo, located at Calle Erézcano 3158, in the Parque de los Patricios district of Buenos Aires. The first incident took place on March 22, 1981, after a group of armed men bound and beat the night watchman. The second happened on May 16, 1981, and involved the placement of three powerful explosives. Neither of these attacks have been solved. The printing houses were working together and they had been engaged in printing periodicals that severely criticized the military regime.

Several theaters that gave shows disliked by the dictatorship, or that employed actors or actresses known for holding views opposed to the government, have suffered attacks. On May 17, 1981, toxic fumes were used to interrupt a show in the Liceo theater. On May 19, a bomb exploded in a theater in General Roca, Río Negro, that was staging a show with actor Luis Brandoni. Similar incidents happened in the Sala Planeta and Lorena theaters of Buenos Aires on May 21 and 22, 1981. Finally, in the best-known episode, an intentional fire burned down the Teatro Abierto in early August, 1981. This event prompted a widespread response aimed at helping the shows to continue in another building.

Joan Baez, the American singer who visited Argentina in May 1981, was not able to perform because entrepreneurs and theaters refused to organize concerts for her, on account of official threats they had received. Ms. Baez was constantly followed by police cars, and the owners of the hotel in which she stayed were pressured into requesting her to leave.

During the period covered by this report, there have been many statements by artistic, cultural and theatrical organizations against censorship in the communications media, in the motion picture industry, in the theater, and in the publication of books and magazines. This reaction

signals a growth in collective awareness regarding the curtailment of freedom of expression in the country since 1976.

There are still violations of the legitimate exercise of the right to address petitions to the authorities, provided for in Article 14 of the Constitution, especially in educational matters. For example, La Prensa reported on August 1, 1981, that on May 26th a large number of medical students at the University of Buenos Aires had been punished for having signed a petition against the imposition of tuition fees. Apparently the police, with the permission of the Dean, interrupted a physiology class and searched the students. They confiscated a copy of the petition and threatened the students with "more definite sanctions." The Ministry of Culture and Education promised to investigate the incident, but has not released information about its investigation yet.

On October 22, 1981, FUBA, the student federation of the University of Buenos Aires, attempted to demonstrate in opposition to the imposition of tuition charges. Some 300 students gathered before the Ministry of Education at Paraguay 1690, Buenos Aires, for a peaceful demonstration. The federal police, using excessive force, broke up the gathering. The indiscriminate violence also affected the media: a photographer who was attacked was hospitalized

with multiple wounds (Diario Popular, October 23, 1981). The incidents were so widely reported that General Juan Sasiaiñ, then chief of the federal police, was forced to offer "his most formal apologies" to the media.

### 3. Limitations on Political Rights

The nonexistence of the fundamental political rights established by the Constitution (that is to say, election of the government by the people), was marked during 1981 by acts of aggression against certain political activities. We will merely note a few examples here.

On February 17th, in Rosario, province of Santa Fe, 14 activists from the "Frente de Izquierda Popular" (Popular Leftist Front) were detained. On May 2nd, the police arrested 15 key members of the Peronistas. On May 30th, 30 more leaders of this group were detained in the province of Santa Fe. One hundred sixty people affiliated with the Peronista Party were taken to Precinct 27 of the Federal Police on June 5th for participating in a gathering at the Cátulo Castillo cultural center in Buenos Aires. Eighty of them were charged. On June 24th, 64 people who attended a round-table discussion at the Crillon Hotel in Buenos Aires were arrested and held for several hours for identification. Among them were the radical leader Luis León, Vicente Saadi, Alejandro Díaz Biale, Julio Bárbaro, Nilda Garre, and Alicia Oliveira (Peronistas); Christian



Democrats Augusto Conte and Néstor Vicente; Communists Fernando Nadra and Roberto Villarino; and other individuals active with human rights organizations such as CELS. The police did not allow the round-table discussion to be held.

Complaints about the prohibition of political events, marches, meetings, luncheon discussions, etc., were constant during this year.

In November 1981, the Commander of the Third Army Corps based in Córdoba, General Cristino Nicolaides, attempted to bring a criminal prosecution against the leaders of the Unión Cívica Radical (the second largest political party) for an alleged violation of the Law of Security of the State, in that the UCR leaders had criticized the economic policies of the armed forces.

The law that the authorities have announced for 1982 concerning political parties will contain a clause prohibiting the parties from declaring themselves in favor of the investigation and punishment of those who engage in repression. It will even prohibit criticism of the repressive acts engaged in by the military.

4. Persecution of Institutions for the Defense of Human Rights

On December 10, 1980, on the anniversary of the Universal Declaration of Human Rights, 24 demonstrators were arrested in the Plaza de Mayo and punished with a

15-day sentence by the head of the Federal Police, General Juan Bautista Sasiañ. The demonstrators were among many thousands of citizens who demanded information about the detained-disappeared.

On November 29, 1981, the president of CELS, Dr. Emilio Fermín Mignone, filed a preventive habeas corpus petition against the constant surveillance of his home.

On the night of February 27, 1981, the headquarters of CELS, then located at Calle Viamonte 1365, were broken into. The same thing happened to the residence of the organization's president, Dr. Mignone, and the new offices at Calle Sarmiento 1562, 5C, which were as yet unoccupied. All the documentation gathered by CELS and some of Dr. Mignone's books and papers were taken to the headquarters of the Security Division of the Federal Police. Nine people were arrested that night, among them six members of CELS who were held incommunicado and prosecuted on charges of violating Article 227 of the Penal Code. The CELS members arrested were Mrs. Lapacó and Messrs. Mignone, Conte McDonell, Pasik, Westerkamp, and Parrilli. After seven days they were released. Their trial went on for several weeks until, eventually, the judge and later the Court of Appeals dismissed all charges and returned the documents that had been seized.

This incident had wide repercussions inside and outside the country, and the favorable outcome is attributable to the attention it received. The obvious intent of the arrests and the seizure of documents was to interrupt indefinitely the work of CELS and to keep its leaders in prison. Dr. Alicia Oliveira and Dr. Alfredo Galletti of CELS, as well as Dr. Vicente Saadi, were also harassed because of their association with CELS.

On March 16, 1981, the 1980 Nobel Peace Prize winner, Adolfo Pérez Esquivel, held a press conference to disclose the many threats he had suffered which drove him to file a petition for amparo (seeking an order to cease and desist).

The Federal Police prohibited the April 30, 1981, march of the Mothers of the Plaza de Mayo. However, the Mothers insisted on going ahead with their march and the security forces surrounding the area did not take action. This event exemplifies both the resolve of the families affected by repression to maintain their struggle, as well as the weakness of the military regime when faced with an action that aims to obtain truth and justice. On June 15, one of the Mothers, Ms. Nelida Fiordeliza de Chidichimo, filed a preventive petition of habeas corpus because she was subjected to repeated anonymous phone threats.

On June 8, 1981, María Adela Gard de Antokoletz and Hebe Bonafini, respectively vice-president and president of the Movement of the Mothers of the Plaza de Mayo, were briefly detained in the Ezeiza airport on their return from the United States. The military police confiscated some of the documents that they were carrying. The documents were subsequently returned.

On the 19th of September 1981, the Permanent Assembly for Human Rights denounced a series of intimidating actions against many of its leaders, in particular Ms. Graciela Fernández Meijide. On September 20, Mr. Adolfo Pérez Esquivel disclosed that he had been refused a passport to travel abroad.

On October 26, 1981, the Bishop of Neuquén, Jaime Francisco de Nevares, accused the police of having impeded the celebration of a mass dedicated to the preservation of human rights, by not preventing the placement of toxic gas bombs. On November 5th, the cathedral of Neuquén was attacked by shots fired from the street by unidentified people.

##### 5. The Situation of Political Prisoners

On January 2, 1981, the national press published a communiqué from the Ministry of the Interior, announcing that there were 900 people being held in custody without charges, at the disposition of the Executive power. This

number slowly diminished during the year. On October 30, 1981, the Argentine ambassador to the O.A.S., Raúl Quijano, reported to that organization that the number of such prisoners was about 840. At the end of 1981, it is estimated that 650 remained in this situation.

During the year, relatives of political prisoners have repeated their protests regarding maltreatment in the jails and poor conditions of confinement. The Permanent Assembly for Human Rights, and the Commission of Families of Persons Detained and Disappeared for Political Reasons, have made continual efforts to secure improved conditions, with little result except that they did achieve the right to have visits with the prisoners which include limited physical contact.

In December 1981, there was wide publicity given statements formulated in the city of Rawson, province of Chubut, about the situation of the prisoners in jail in that area. "The U-6 is a national disgrace," said Dr. José Federico Westerkamp, well-known human rights leader and father of a prisoner who has been confined at the disposition of the Executive power without charges for more than six years. For this statement, Dr. Westerkamp has been charged with contempt by the federal judge of Rawson.

## 6. Judicial Proceedings

The Supreme Court has continued to ignore the repressive clandestine actions of the State and has continued to uphold the restrictions on liberty based on the legislation of exception.

On March 4, 1981, the metropolitan newspapers published a decision by this highest tribunal upholding the validity of the Special War Councils established by laws 21.264, 21.268, and 21.272. The Court thus ratified the conviction of Marcelo Mario de la Torre, who had been sentenced to eight years imprisonment by a War Council of the Second Army Corps.

On October 29, 1981, the high Court upheld the denial of three habeas corpus petitions for Celia Machado, Jorge Lucio Rebori, and Humberto Rebori, who were detained by armed groups on February 1 and 2, 1977, and who have since disappeared. In its decision, the Court maintains that the lower court judges must investigate the facts in a petition for habeas corpus. However, for reasons explained in the introduction to this report, this statement has no practical effect.

In June 1981, a conflict arose between the Supreme Court and the Executive branch over a May 26th decision by which the Court ordered that the Executive branch authorize for Benito Moya either limited freedom or the

option to leave the country. He had been in prison for six years without charges, and without any legal proceedings. After a tense exchange of confidential opinions, the two branches reached an agreement. The Executive ordered restricted freedom for Benito Moya -- implying, however, that this did not establish any precedent as this action was limited to the circumstances of this particular case. This incident demonstrates the limited scope of possible judicial intervention at present. Moreover, the two most recent appointments to the Court, those of Drs. Black and Renom, show that the government has every intention of naming lawyers to the Court who are ideologically sympathetic to the repressive policies of the military.

Several appellate courts, in particular the Federal Court of Appeals of Buenos Aires, Criminal and Correctional Panel, are known for handing down decisions that accept unquestioningly the validity of exceptional legislation and the primacy of the so-called Statute of the Process of National Reorganization. They uphold the indefinite confinement of prisoners under the state of siege without charges at the will of the Executive branch.

Finally, the Supreme Court of Justice, in a decision of a few lines, in February 1982 denied a petition by

relatives of disappeared people, ruling it "out of order." This petition called on the judiciary to make the Executive branch hand over all existing information in their archives about the disappeared. With this decision, the high Court ended any hope stirred by the famous Pérez de Smith, Ana María, et al. cases of 1978.

It is appropriate to mention here that in 1981, there were numerous comments by different organizations and political parties calling for a repeal of the state of siege and the dismantling of exceptional tribunals. This is extraordinary because some of these organizations had remained silent on these issues in the past. On June 18, 1981, the Federación Argentina de Colegios de Abogados (FACA) (Argentine Federation of Associations of Lawyers), demanded an end to exceptional tribunals. In previous statements, they had called for the elimination of the state of siege.

#### 7. Restriction on Trade Union Activity

The majority of the trade unions remain controlled. Restrictions against union activity are also numerous. We note only some of the cases.

The General Confederation of Labor has received many warnings to limit its activities. In July 1981, five of its national leaders were jailed for several days. In the



country's interior, the prohibition of trade union activities is frequent.

On November 7, 1981, during a march at the San Cayetano Church in Buenos Aires to protest growing unemployment, the police surrounded the area, blocking off all access. A group of marchers was arrested and held for several hours.

According to Saúl Ubaldini, Secretary General of the General Confederation of Labor, 1.65 million workers are now unemployed (Clarín, September 5, 1981). He called this an offense to the rights of workers. Layoffs are constant, both in the public and the private sectors. Because of the regressive politics of President Galtieri and Minister Alemann, a serious worsening of the employment situation is anticipated.

Dismissals for political reasons are frequent. A notable example is the case of Dr. Nicolás G. Bazán, an internationally known scientist with the National University of the South. He was fired without explanation on December 31, 1980. On March 24, 1981, the Minister of Culture and Education, Juan Llerena Amadeo, argued that the decision to fire Bazán was justified for reasons of "security," refusing to elaborate.

This incident demonstrates that the intelligence services of the military are almighty in such cases and

that the ministers of the Executive branch are obliged to carry out the instructions of the intelligence services. Worse yet, the ministers may not even know the reasons, as in the case of Dr. Llerena.

#### 8. Education

One of the basic difficulties the Argentine educational system faces, according to official sources, is the increasing number of school dropouts. This situation, caused by socio-economic problems and by budgetary and ideological restrictions on the schools, constitutes in itself a deprivation of the right to education.

On April 28, 1981, the newspaper La Prensa reported that the Minister of Education and Culture of the Province of Buenos Aires, Julio A. Lascano, had said that the percentage of school dropouts in this, the most populous and wealthy province, had reached 33 percent. The day before, on April 27, the same newspaper had revealed that, according to the Minister of Culture and Education of the Province of Santa Fe, the percentage of dropouts in that province had reached 42 percent. On June 29, 1981, the president of the National Council of Technical Education, engineer Valentín Jaime, declared in a meeting in the city of Córdoba that the percentage of dropouts in technical schools is 75 percent (Diario Popular, June 30, 1981).

In general, the financial resources set aside for educational support have been cut back to a minimal level. Specialists in this subject believe that the federal educational budget, in relative terms as a proportion of the total federal expenditure and Gross National Product, is at its lowest since 1862.

The lack of teachers, buildings, textbooks and teaching materials is substantial in all regions of the country. At the same time, the ideological controls on the schools limit the freedom and creativity of lectures and discussion. Although there have been no new regulations, those promulgated since 1976 are strictly enforced, and the access of new teachers to teaching jobs is tightly controlled.

Finally, restrictions on access to the universities continue, and entrance quotas have become even more restrictive in most graduate and post-graduate programs. Practically all university professors lack tenure because no formal searches to hire new professors have been conducted since 1976. In addition, the military regime has enacted a Law of National Universities that establishes political and ideological restrictions that would create serious difficulties if the moment were to come for new professors to be selected.

## 9. Official Declarations

In the period covered by this report, several official statements were issued, on the one hand emphatically denying that violations of human rights were committed by the military government and, on the other hand, insisting that there should be no investigation of repressive actions.

This obvious contradiction is brought into sharpest focus in considering the serious problem of the disappeared. Each day that passes, instead of receding in memory or being relegated to secondary significance, this issue gets more attention. One only has to read the newspaper to notice the constant references to this question from diverse sources: official comments and declarations; statements by civilian leaders; protests, demonstrations, and petitions to the judiciary; editorials; foreign repercussions; etc.

There is no doubt that this distressing situation is the one that most troubles the national community. Certainly, it will be the focus of bitter political debate in Argentina in the months and years to come.

In Washington, D.C., on July 13, 1981, former president Viola emphatically stated that no one was detained in the course of repression without notification of their families. He also said that there is no one

being secretly detained in Argentina. He added that the only deaths attributable to the military involved those of people who were armed and who were killed as a result of armed encounters (La Nación, July 14, 1981).

Such statements fly in the face of the fact of the disappearance of thousands of people arrested since 1976 by agents of the security forces, and whose fate is unknown.

An editorial printed in La Nación on February 7, 1982, analyzes the polarization over this question within the upper echelons of the military. According to political observers, this is the most difficult problem the government will have to face if it wants to restore democratic institutions. The editorial alludes to a statement by the former Commander-in-Chief of the Navy, Admiral Emilio Massera, in January 1982, and supported by his primary assistant in the Party for Social Democracy, Vice-Admiral Eduardo Fracassi. Massera stated that, during the period that he was a member of the military Junta, he proposed the publication of a list of the disappeared. This was opposed by the Commanders of the other armed forces, Videla and Agosti. Massera's assertion was subsequently modified in further statements, in which the emphasis was placed on his role in the struggle against subversion.

These statements precipitated a strong reaction in the upper echelons of the military.

General Suárez Mason, former Commander of the First Army Corps and former Chief of Staff of the Army, conferred immediately with President Galtieri, and immediately thereafter asserted that such lists did not exist and that they would be impossible to assemble. "Surely," he added, "the admiral must have such a list. If there is one, I do not know of it." La Nación pointed out that, "Suárez Mason speaks for the Army." Suárez Mason added, again reflecting the position of the Army, that "during the anti-subversion struggle, information was given each time the casualties were identified."

Also participating in the controversy is General Ramón Camps, who served as chief of police in the province of Buenos Aires during the years of the more intense anti-subversion fight. In an interview in Gente magazine in the first week of February 1982, Camps said that he had the greatest respect for Massera and Fracassi, but he added that both should say what their part in that struggle had been "before speaking of the responsibility of others."

General Luciano Benjamín Menéndez, who was forced to retire after an aborted coup d'état attempt against the

Videla government in Córdoba in September of 1979, reaffirmed an old official decision to "forget" the problem. He maintained that "the disappeared have disappeared and no one knows where they are" and he concurred that it was "impossible" for the regime to publish a list, "because there is none" (Clarín, January 25, 1982).

In the same issue of Clarín, there was a story covering a speech given by the present Chief of Staff of the Army, General Antonio Vaquero, during a visit by Salvadoran General Rafael Flores Lima. After assuring Lima of Argentine military assistance, Vaquero issued a harsh attack against the human rights organizations: "... the subtleties and artifices of the so-call solidarity organizations which, in our country, appear to be independent, but -- let us not be naïve -- which serve, either consciously or unwittingly, the present strategy of native and international terrorism. These associations have mushroomed in Argentina, under the protection of the freedom they ultimately seek to destroy."

On January 26, 1982, the Archbishop of Santa Fe and Second Vice-President of the Argentine Episcopal Conference, Vicente Zazpe, demanded "that the truth be discovered about the disappeared," arguing that this is "the only road that could take us to an authentic reconciliation."

Earlier, in its document called "Church and National Community," issued in July 1981, the Episcopal Conference had discussed the topic at length. In a section called "Problems and Negative Factors," the bishops say that, "The illegitimate repression also put the Fatherland in mourning. Even though, in an emergency, human rights can be restricted, they are never cancelled, and it is the authority's duty, recognizing the basis of all rights, to use all efforts to restore them to full effectiveness. It is not by trusting that time will heal all wounds that we will begin to shape the future of our country now." And in a clear reference to the magnitude of the problem, the bishops add their concern for "the anguish of the relatives of the disappeared, a concern we repeat today." The Catholic Church bases its hopes for national reconciliation on the solution to these matters, since "reconciliation is grounded in charity and exercised in liberty, but can only endure if it is built in justice and truth."

For his part, Mr. Deolindo Bittel, acting chairman of the Partido Justicialista, on February 5th addressed to the military rulers, "one of the sharpest warnings in a long time about this thorny topic," according to La Nación. Bittel said, "... this is an open and bloody sore. The military government should take responsibility, and realize that the fate of the citizens cannot be ignored. No civilian



government," he asserted, "can take power if the military does not resolve the situation beforehand, because, while now 1,500 mothers go to the Plaza de Mayo to cry for their children, under a civilian government the number will rise to 10,000, and later will cover the entire plaza."

Outside the country, the problem is equally a subject of ever more intense comment. The leaders of all the Italian democratic parties signed a strong petition on the matter, which appeared in the Buenos Aires newspaper Clarín. This prompted a formal protest by the Argentine military regime. In France, statements and demonstrations on this problem are frequent. In the Report of the State Department to the Congress of the United States about the situation of human rights in Argentina, it is asserted that, in its judgment, the situation has improved, but that the greatest obstacle to progress remains the lack of information on the disappeared.

Amidst the wide-ranging criticism of the military regime and demands for the restoration of the constitutional system, although they do not appear linked with the matters discussed above, public statements by César Luis Menotti, the coach of the national select soccer team, are worth noting. They have provoked a sharp debate and alarmed the military Junta. The writer Ernesto Sabatini has also spoken out on the

matter on various occasions and particularly in his capacity as president of the national commission formed to investigate the fate of the children missing during the repression.

10. Information About the Murder of Detained-Disappeared Persons

On three occasions, it has been learned that the bodies of detained-disappeared persons were discovered a few hours after their arrest. In these three cases the pertinent legal authorities were informed, but the judges did not publicly disclose the discoveries, nor did they inform the immediate relatives of the deceased.

Roberto Daniel Rigoni was kidnapped on April 16, 1977, in the Buenos Aires suburb of Isidro Casanova, district of La Matanza. Four years later, in April 1981, his parents learned through a petition of habeas corpus that his body had been found and identified on April 25, 1977, although he had been buried as an unknown.

The same occurred with the case of another detained-disappeared person, Miguel Angel Sosa, kidnapped on May 25, 1976, from his home in Buenos Aires. Since that date, his whereabouts were unknown until late in 1981, when his father was called to the Ministry of the Interior and notified that his son had been the victim of a homicide, under

investigation by a criminal judge of San Martín. After examining the court documents, it was established that Miguel Angel was killed the same day of his arrest. The following are the facts of the case:

a) On May 25, 1976, the police of the Province of Buenos Aires, precinct of Bella Vista, received a radio communication from the Army, that a corpse had been found in an area of tall grass near the Reconquista River.

b) Photographs were taken of the body and the surrounding area, and the body was taken for an autopsy, which revealed that death was caused by a blow to the head; the body showed signs of torture (marks made by an electric prod, lesions from blows, toe-nails torn off).

c) Fingerprints were taken and sent to the federal and provincial police for identification.

d) Two months later, the federal police reported to the court that the body was that of Miguel Angel Sosa, and furnished his address and records.

e) The judge ordered the family to come to the court, and, without waiting for them to arrive, sent the file to the archives. The notification of this appointment was never served on the family. It can be asserted that the Ministry of Interior knew about Sosa's death as early as two months after his detention and disappearance; it

obviously hid that information from his family and from public opinion until late last year.

Lastly, in mid-1981 the Ministry of Interior also disclosed to the mother of María Teresa Cerviño, that María, who had been detained at her home in Lomas de Zamora on April 18, 1976, had died. All inquiries by her family to locate her had been fruitless. María Teresa's mother had made several appearances before the Ministry of the Interior and had interviewed several members of the armed forces to the same effect -- without ever obtaining any result.

In mid-1981, Mrs. Cerviño was called by the Ministry of the Interior, where she was informed that her daughter had been the victim of a homicide and that Criminal Court No. 2 of Lomas de Zamora was investigating it. In the court files, it is established that on April 18, 1976 -- the same day of her disappearance -- the police precinct of that city received an anonymous telephone call reporting that a corpse was hanging from the bridge of a nearby highway. At the bridge, the police found that the body was that of a young woman, with her head wrapped in a plastic bag and a sign hanging from her neck that said: "I was a Montonera, follow me." Her eyes were covered with adhesive tape and her hands were tied behind her back. A grenade

made by the military was attached to the body; the police defused it. There was also a bag that the police feared might contain explosives, so they shot at it. On the same day, through fingerprints, the federal police identified her as María Teresa Cerviño, and furnished her ID card number and the address she had shared with her parents to the provincial police.

An irregular autopsy was conducted, which nevertheless determined death to have been caused by asphyxiation by hanging. It was ordered that the body be buried in the public cemetery of Avellaneda. A report of these proceedings was sent to the judge, who provisionally dismissed charges, without ever notifying the relatives.

With this information, the mother went to the cemetery and was told that there was no grave there, but only a large stone. With the legal assistance of Dr. Emilio Mignone, she came before the court and requested the annulment of the decision to dismiss, on the grounds that the investigation had not been completed and on account of the irregularities arising from the file itself. The judge did not rule favorably, but did in fact reopen the case. He called in all the police officers for questioning, but was unable to locate the only civilian witness named, as the witness did not live at the address given. Later,

the relatives requested an investigation as to why they had not been notified and insisted on being shown the clothes and personal belongings of the victim. In a private meeting, the judge told Mrs. Cerviño and her lawyer that those items were not in his offices.

It is obvious that the disappearance and death of María Teresa Cerviño was known to the federal police on the very day of the event, and that they did not disclose it to the family until mid-1981.

11. Right of Asylum

Since 1976, Juan Manuel Abal Medina has remained in asylum in the Mexican Embassy in Buenos Aires. He is a former member of the constitutional government. His situation still has not been resolved.

The military regime, despite Mexican insistence, refuses to guarantee safe-conduct, in open violation of inter-American treaties and common international law. On September 17, 1981, a spokesman for the Argentine Ministry of Foreign Relations denied that negotiations were under way to resolve this delicate matter (Clarín, September 18, 1981).

Buenos Aires

March 4, 1982